

Matter of Wilson Chan

Motion No: 2020-03837

Slip Opinion No: 2021 NYSlipOp 60039(U)

Decided on January 05, 2021

Appellate Division, First Department, Motion Decision

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Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the
Official Reports.

Supreme Court of the State of New York
Appellate Division, First Judicial Department

PRESENT: Hon. Rolando T. Acosta,
Sallie Manzanet-Daniels
Troy K. Webber
Lizbeth González
Tanya R. Kennedy,

Presiding Justice,

Justices.

In the Matter of	Motion No.	2020-03837
	Index No.	500090/16
Wilson Chan,	Case No.	2019-05117
An Incapacitated Person		
Respondent-Appellant.		

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about July 08, 2019, which denied respondent-appellant's pro se motion to terminate the guardianship of his person, and granted the guardian's cross-motion to expand guardianship powers to include the authority to marshal and manage respondent's income and assets.

And the Mental Hygiene Legal Services having moved on respondent-appellant's behalf to vacate dismissal of the appeal, pursuant to 22 NYCRR 1250.10(c) and, upon reinstatement, for an extension of time in which to perfect said appeal, for leave to prosecute the appeal as a poor person, for the assignment of counsel, and for related relief

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that that branch of the motion seeking to vacate the dismissal of the appeal is granted, the appeal is reinstated, and the time in which to perfect said appeal is extended to the May 2021 Term of this Court.

That branch of the motion seeking poor person relief is granted to the extent that the appeal is permitted to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon all necessary parties and files with this Court an original, five hard copies and, if represented by counsel, one digital copy of such brief, pursuant to Section 1250.9 of the Practice Rules of the Appellate Division. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the records. Marvin Bernstein, Esq., Director of the Mental Hygiene Legal Service, 41 Madison Avenue, 26th Floor, New York, NY 10010, Tel. No. (646) 646-5891, is assigned as counsel for purposes of prosecuting the appeal.

ENTERED: January 05, 2021



Susanna Molina Rojas
Clerk of the Court